

ORDINANCE NO. 07-019

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 78 ENTITLED "SOLID WASTE", ARTICLE I. IN GENERAL, BY REVISING HIALEAH CODE § 78-1 ENTITLED "DEFINITIONS" TO PROVIDE A DEFINITION OF A DUMPSTER; AND ADDING A NEW ARTICLE, ARTICLE V ENTITLED "SUPPLEMENTAL REGULATIONS FOR GARBAGE, WASTE AND RECYCLING DUMPSTERS", TO PROVIDE LEGISLATIVE INTENT, APPLICABILITY, GENERAL REGULATIONS CONCERNING THE LOCATION OF DUMPSTERS AND PLACEMENT OF DUMPSTER ENCLOSURES; AND TO PROVIDE CONSTRUCTION, APPEARANCE AND MAINTENANCE STANDARDS FOR ENCLOSURES; RENUMBERING ARTICLES AND SECTIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is for the health, safety and welfare, order, aesthetics, good governance and proper regulation of the City and its residents; and

WHEREAS, the specific purpose and intent of this ordinance is to regulations for the construction, location, maintenance and appearance of garbage, waste and recycling dumpsters available for use on properties zoned multiple-family residential, commercial or industrial.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 78 entitled " Solid Waste" of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 78-1 entitled

"Definitions" and by adding a new section, Article V. Supplemental Regulations for Garbage, Waste and Recycling Dumpsters, to read as follows:

Chapter 78

SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 78-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Dumpster means a trash or garbage container or recycling container that is at least one yard in size.

* * *

**ARTICLE V. SUPPLEMENTAL REGULATIONS
FOR GARBAGE, WASTE AND RECYCLING
DUMPSTERS**

Sec. 78- . Intent.

It is the intent of the city to establish supplemental regulations relating to the location, accessibility and appearance of garbage, waste and recycling dumpsters located or serving property zoned multiple-family residential, commercial or industrial.

Sec. 78- . Applicability.

The provisions of this article shall apply to all new construction for properties zoned multiple-family residential; and properties zoned commercial or properties zoned industrial that utilize dumpsters for garbage collection, waste collection or recycling. The provisions

of this article shall also apply for buildings that are being converted into condominiums and for renovations that require the issuance of a building permit. The property owner of an existing nonconforming property shall have 24 months to bring the property into compliance with the provisions of this article.

Sec. 78- . General regulations.

(a) Location of dumpsters. Dumpsters shall be maintained in a location that is easily accessible to garbage, waste and recycling collectors, screened from public view. Dumpsters shall not be placed on any right-of-way, sidewalk or public property.

(b) Enclosure. All dumpsters shall be placed and maintained within opaque enclosures of masonry construction so as not be visible from the street or from abutting properties.

(c) Location of enclosure.

(1) Enclosures shall be located no less than 10 feet from any street right-of-way and shall be located as to facilitate safe vehicular movement and to be convenient for users and accessible to collectors.

(2) All enclosures shall be required to provide a minimum visibility clearance at a street intersection and at a driveway intersection. At street intersections, no enclosure shall be located within a line of sight that is created by a triangular area formed by each of the four corners of the intersection, with a 25-foot distance extending from the point of intersection outward (representing the congruent legs of a right triangle). At intersection of a driveway and a street, no enclosure shall be located within a line of sight that is created by a triangular area formed by each of the two corners of the intersection, with a 10-foot distance extending from the point of intersection outward (representing the congruent legs of a right triangle).

(3) Where there is no other suitable location on the property to place an enclosure, the city, within its discretion, may allow the enclosure within a parking space or setback.

Sec. 78- . Construction standards for dumpster enclosures.

All masonry dumpster enclosures shall comply with the following construction standards:

(a) The enclosure walls and gates shall be at least six inches above the height of the dumpster, but in no case shall the enclosure be less than six feet in height.

(b) The base of the enclosure shall consist of a hard-paved surface of asphalt or poured concrete with dimensions at least 24 inches larger on all sides than the dumpster to be located upon the base. The minimum inside dimensions of the dumpster shall be no less than six feet in width and six feet in length. The base shall be equipped with a drain where a drain is required to be installed under applicable codes and regulations and designed in a manner to drain only the area of the base. The access drive to the enclosure shall be designed and maintained to bear the weight of a garbage or recycling truck. Concrete wheel stops or similar material shall be located at the side and rear of the enclosure at a distance of six inches from the walls to prevent the container from making contact with the walls of the enclosure.

(c) The enclosure shall be constructed with quality materials with sufficient strength and assembly to withstand the elements and normal daily use of garbage and waste disposal and pickups. When applicable, all exterior walls shall be applied with stucco to present a finished appearance.

(d) All enclosures shall be constructed with opaque gates of metal frame. Chain link gates with slats shall not be permitted. The gates shall be attached to metal posts having at least three inches in diameter with at least three hinges for each post. Each gate shall have a wheel at the bottom to prevent it from sagging. The gates shall have drop pin or rods to hold the gates in place in both the open and closed position.

(e) All enclosures intended for use on property zoned multiple family residential shall be constructed with a 30-inch opening on one side for pedestrian access to deposit

trash, and shall be located immediately adjacent to one of the gates. The pedestrian opening shall be screened from view by a fence or wall six feet in height or by landscaping of the same height without obscuring the pedestrian opening. A concrete walkway shall be provided for the pedestrian opening.

Sec. 78- . Appearance and maintenance standards for enclosures.

All dumpster enclosures shall be maintained as follows:

(a) All exterior and interior walls shall be painted in a color compatible with the color of the building that the dumpster serves.

(b) Signs shall not be allowed on the walls and gates of the dumpster enclosure.

(c) All enclosures shall be in good condition and appearance at all times. Peeling, fading or chipped paints shall be restores; and any structural damage repaired.

(d) Trash, garbage or recycling materials shall be placed within the dumpster.

(e) Enclosure gates shall be closed and secured, except when materials are being placed in the dumpster or when serviced.

(f) Properties that utilize automated dumpsters shall be required to maintain a landscaped enclosure area, subject to visibility requirements set forth herein, adjacent to a driveway or right-of-way for access to the collector's automated equipment.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

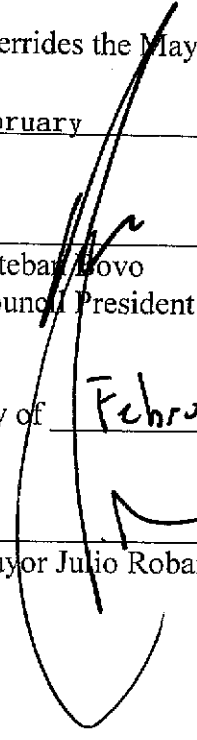
Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 13th day of February, 2007.

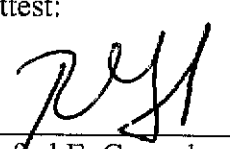
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:

Approved on this 15 day of February, 2007.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

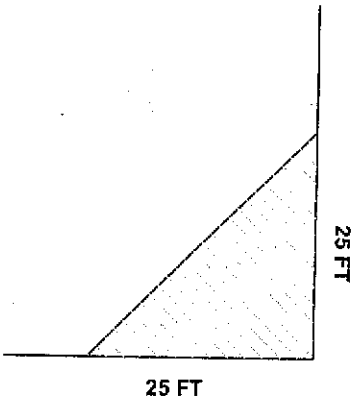
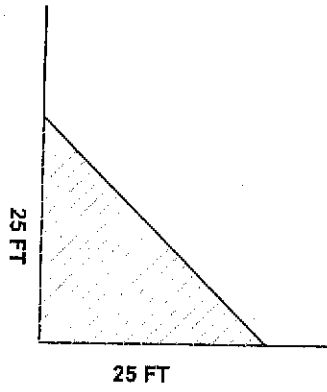
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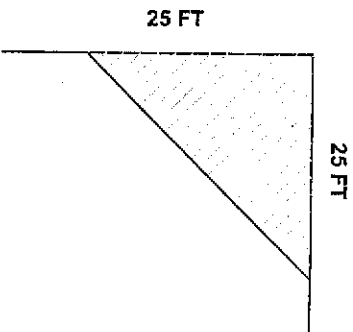
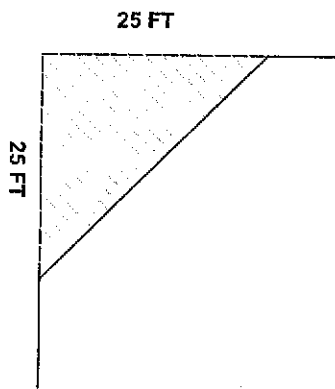
Ordinance was adopted by a 6-0 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Hernandez, Miel and Yedra voting "Yes" and Councilmember Gonzalez absent.

TRIANGLE OF VISION SKETCH

STREET "A"



AVENUE "B"



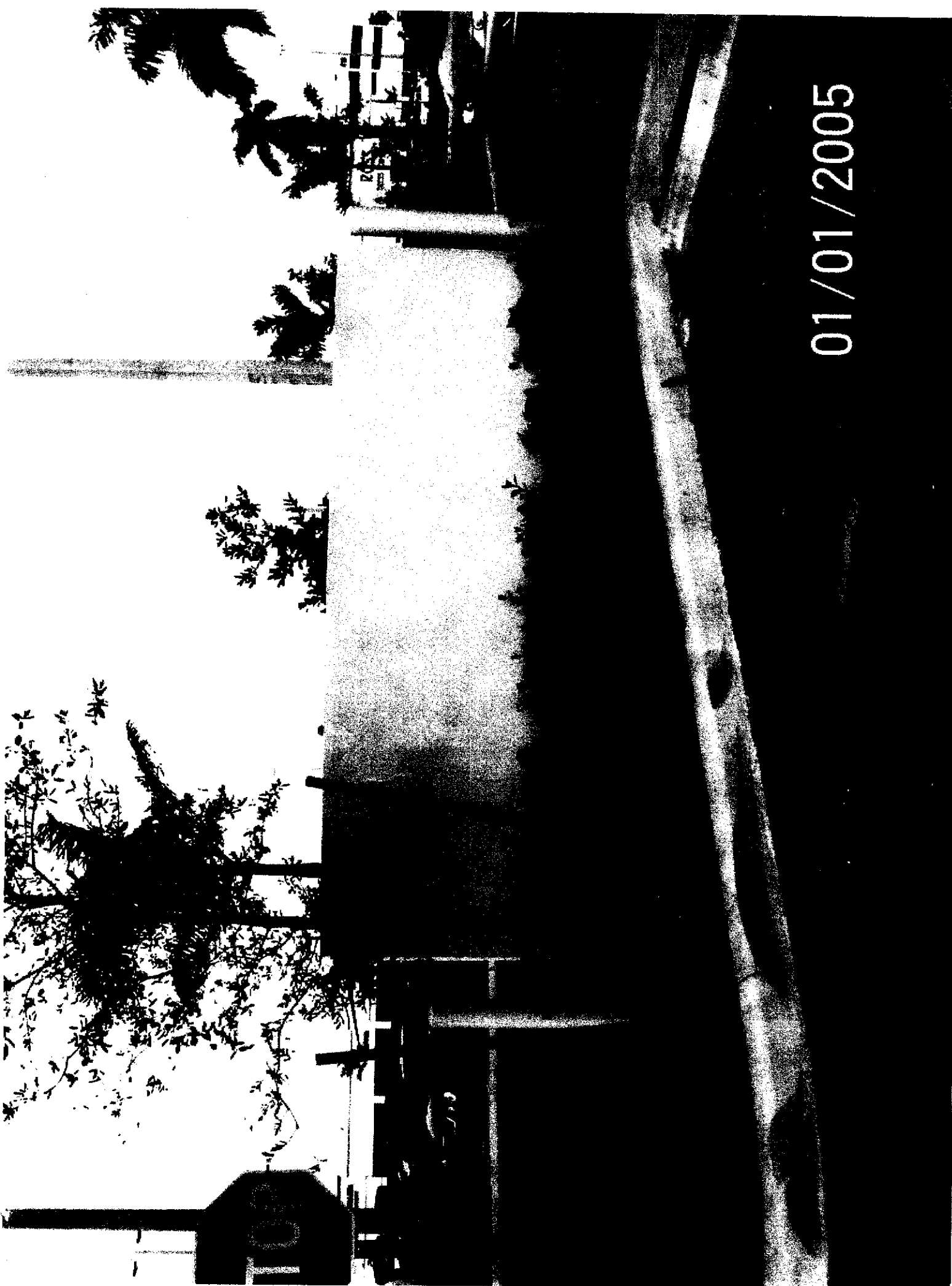
Prototype enclosure



01/01/2005



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Existing conditions

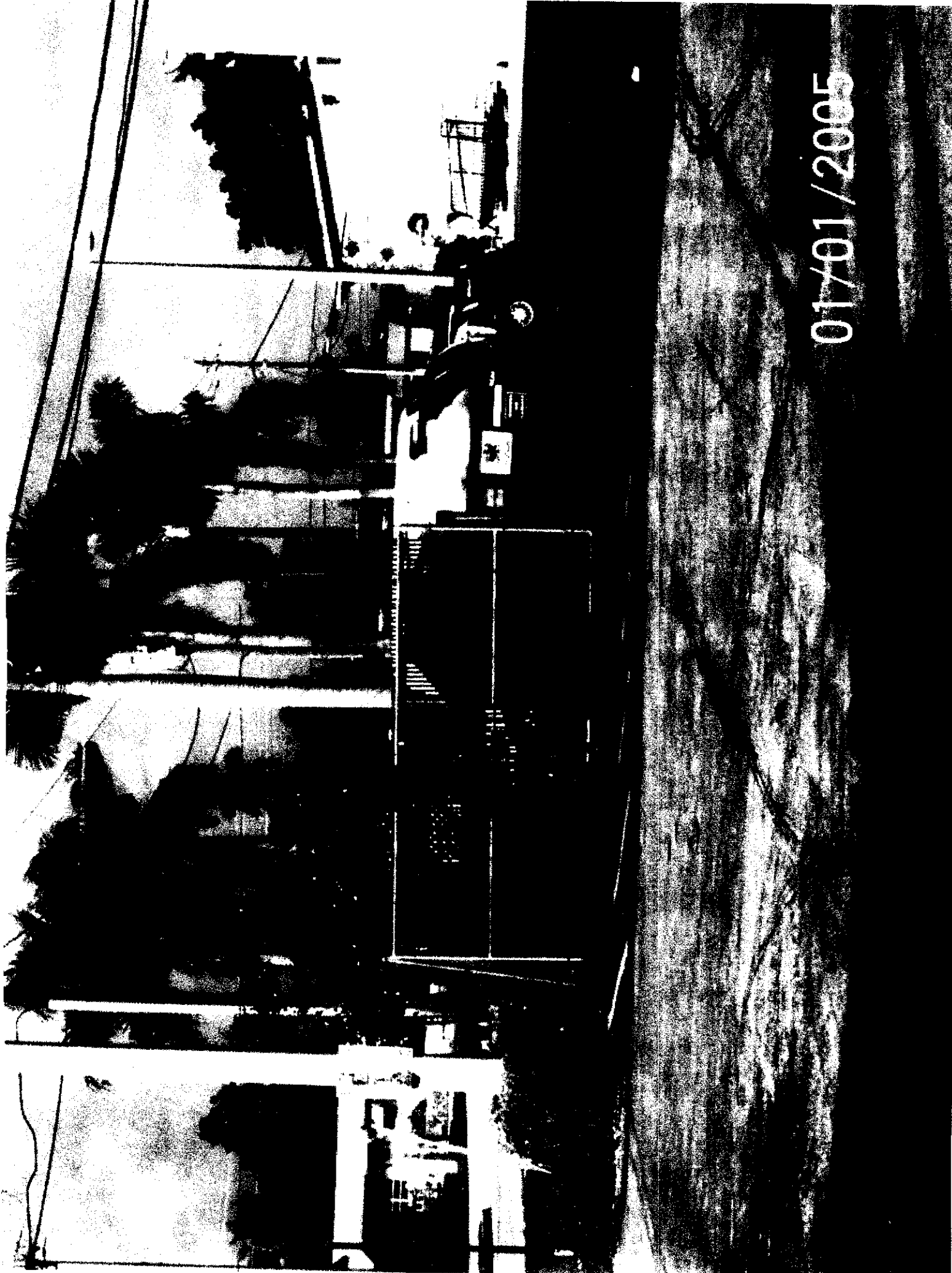
EL BEBE
PRESCHOOL CARE CENTERS
(305) 888-7005
CHILD CARE - CUIDADO DE NIÑOS

MORE

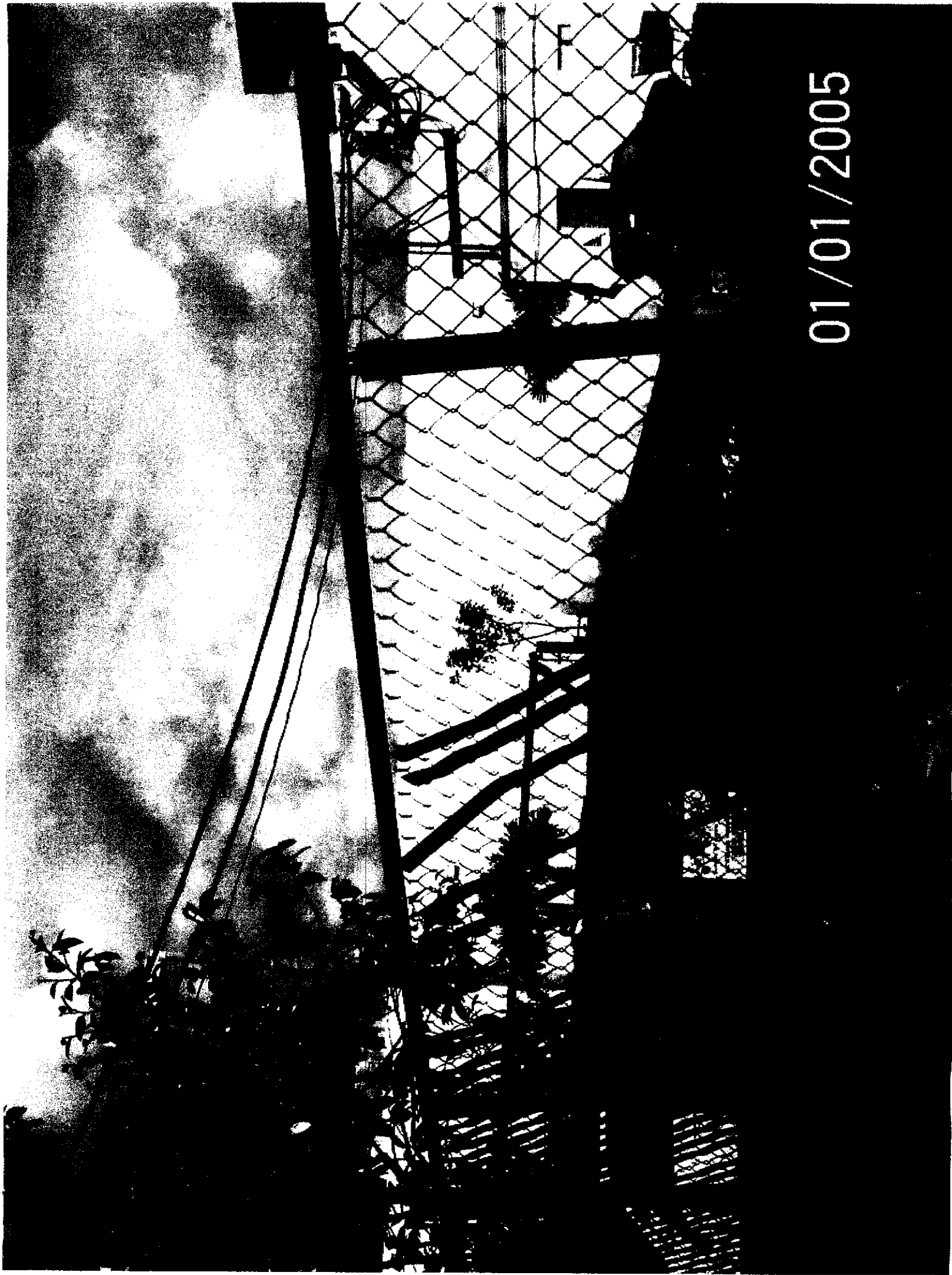
888-7005



2005



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CAUTION
NO HAZARDOUS
WASTES ACCEPTED

CAUTION **CAUTION**

DO NOT PLACE
Hazardous Waste
in this container

100-244